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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,333	09/08/2003	Chao-Jung Wu	7257/71042	1664
7590	03/29/2005			EXAMINER
Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036				NEGRON, ISMAEL
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,333	WU, CHAO-JUNG	
	Examiner	Art Unit	
	Ismael Negron	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4 and 6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4 and 6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 February 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 28, 2005 has been entered. Claims 1, 4 and 6 have been amended. Claims 2, 3 and 7 have been cancelled. No claim has been added. Claims 1, 4 and 6 are still pending in this application, with claim 1 being independent.

2. The drawings were received on February 28, 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over SKJERVOLL (U.S. Pat. 3,585,564).

SKJERVOLL discloses a lighting apparatus having:

- **a flexible arm (as recited in Claim 1),** Figure 1, reference number 12;
- **a power connector located on one end of the flexible arm (as recited in Claim 1),** inherent;

- **a terminal fitting (as recited in Claim 1), Figure 1, reference number 13;**
- **the terminal fitting being located at another end of the flexible arm (as recited in Claim 1), as seen in Figure 1;**
- **the terminal fitting having a circular socket (as recited in Claim 1), Figure 2, reference number 22;**
- **a first metal ring located on an inside wall of the circular socket (as recited in Claim 1), Figure 2, reference number 26;**
- **a metal pin located in the center of the circular socket (as recited in Claim 1), Figure 2, reference number 25;**
- **a fully rotatable head (as recited in Claim 1), Figure 2, reference number 14;**
- **the head including a lighting element (as recited in Claim 1), inherent;**
- **a plug-in portion (as recited in Claim 1), Figure 2, reference number 15;**
- **the plug-in portion being for insertion into the circular socket (as recited in Claim 1), as evidenced by Figure 2;**
- **a slot located in the plug-in portion (as recited in Claim 1), as seen in Figure 2;**
- **a metal cylinder located in the slot (as recited in Claim 1), Figure 2, reference number 17;**

- **a second metal ring (as recited in Claim 1), Figure 2, reference number 18;**
- **the second metal ring being located on an outside wall of the slot (as recited in Claim 1), as seen in Figure 2;**
- **the first and second rings being electrically connected for establishing a first electrode (as recited in Claim 4), as evidenced by Figure 2;**
- **the metal cylinder and the metal pin being electrically connectable to establish a second electrode (as recited in Claim 4), as evidenced by Figure 2; and**
- **the first and second electrodes powering the lighting element (as recited in claims 4 and 6), inherent.**

SKJERVOLL discloses all the limitations of the claims, except:

- the terminal fitting being located at one end of the flexible arm (as recited in Claim 1);
- the plug-in portion being located at one end of the rotatable head (as recited in Claim 1);
- the first electrode being a positive electrode with the second electrode being a negative electrode (as recited in Claim 4); and
- the first electrode being a negative electrode with the second electrode being a positive electrode (as recited in Claim 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the terminal fitting at one end of the flexible arm and the plug-in portion being located at one end of the rotatable head (as recited in Claim 1) instead of the terminal fitting on the rotatable head and the plug-in portion on the flexible arm (as patented by SKJERVOLL), since it has been held by the courts that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955). In this case, the relevant feature if the patented structure of SKJERVOLL is the interconnection between the terminal fitting and the plug-in portion, not the actual location of such connectors with respect to the flexible arm or rotatable head.

Regarding the first and second electrode being respectively a positive and negative electrode, or vice versa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the first electrode as positive electrode and the second electrode as negative electrode, or vice versa, since it has been held by the courts that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955). In this case, it is irrelevant which of the electrodes of SKJERVOLL is positive or negative as long as one is positive and the other negative, such positive and negative arrangement being inherent of the patented lighting apparatus.

Relevant Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andersen (U.S. Pat. 985,241), **Hemmer** (U.S. Pat. 3,845,453), **Iizuka** (U.S. Pat. 4,129,352), **McGeary** (U.S. Pat. 4,545,633), **Forney, Jr. et al.** (U.S. Pat. 4,619,496) and **Hammond, Jr.** (U.S. Pat. 5,474,470) disclose a plurality of electrical connecting structures having a socket member including a first metal ring coaxial with a metal pin, the ring and the ping being electrically insulated from one another, and plug-in member including a slot for receiving the metal pin and a second metal ring for contacting with the first metal ring.

Response to Arguments

5. Applicant's arguments filed February 28, 2005 have been fully considered but they are not persuasive.

6. Regarding the Examiner's rejection of Claim 1 under 35 U.S.C. 103(a) as being unpatentable over **SKJERVOLL** (U.S. Pat. 3,585,564), the applicant argues that the patented connector structure of **SKJERVOLL** fail to provide the advantages provided by the claimed invention, such as strength, simplicity, and low cost. In addition, the applicant argues that there is no suggestion in the Prior Art made of record to modify the cited connector to include the advantages of the claimed invention.

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7. In response to applicant's argument that the references fail to provide certain advantages of applicant's invention, it is noted that the features upon which applicant relies (i.e., strength, simplicity, and low cost) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In this case, as detailed in Section 3 of the instant Office Action, SKJERVOLL discloses a connector having all the structural limitations of the claimed invention but being attached to the rotatable head 14 and flexible arm 12 in the reverse arrangement of that of the claimed invention, such reverse arrangement failing to patentably distinguish the claimed invention from the patented structure of SKJERVOLL.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



JOHN ANTHONY WARD
PRIMARY EXAMINER

JAN
JAW

March 15, 2005